

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VDPP, LLC,

Plaintiff,

v.

AXIS COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:24-cv-00727-JRG

**DECLARATION OF VICTOR M. PALACE IN SUPPORT OF DEFENDANT AXIS
COMMUNICATIONS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
UNDER RULE 12(b)(6), IMPROPER VENUE UNDER RULE 12(b)(3), OR, IN THE
ALTERNATIVE, TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Victor M. Palace, hereby declare as follows:

1. I am attorney at law and associate with Finnegan, Henderson, Farabow, Garrett & Dunner LLP, counsel for Axis Communications, Inc. in the above-captioned matter.
2. I make this declaration based upon my personal knowledge and belief based on a reasonable investigation and information presently known to me. If called upon to testify, I could and would testify competently to the matters set forth in this declaration.
3. Attached as Exhibit 1 is a true and correct copy of a printout from the Secretary of the Commonwealth of Massachusetts website showing that Axis Communications, Inc. is a Massachusetts corporation and that its principal office is located in Chelmsford, Massachusetts.
4. Attached as Exhibit 2 is a true and correct copy of a printout from the Docket Navigator research platform that lists the related U.S. district court cases filed by VDPP, LLC, including those filed in the Eastern District of Texas.

5. Attached as Exhibit 3 is a true and correct copy of a press release of Axis Communications announcing the May 8, 2024 grand opening of the Axis Experience Center located at 17 Cowboys Way, Suite 700, Frisco, TX 75034.

6. Attached as Exhibit 4 is a true and correct signed copy of the Declaration of Larry Newman, Senior Director of Sales of Axis Communications, Inc., which is dated December 24, 2024.

7. Attached as Exhibit 5 is a true and correct copy of email correspondence between counsel for Axis Communications, Inc. and counsel for VDPP, LLC regarding VDPP's marking and notice deficiencies under 35 U.S.C. § 287 and improper venue in the Eastern District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 27 day of December 2024.

/s/ Victor M. Palace
Victor M. Palace